IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

Bail Appl..No. 1099 of 2007()

CRMP.358/2007 of SESSIONS COURT, ALAPPUZHA

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: PETITIONER/ACCUSED NO.2

SUNNY ISAAC, S/O. K.A.ISAAC,
MANNANTHARA, KADAVIL HOUSE, THATHAMPALLY P.O.,
ALAPPUZHA.

BY ADV. SRI.S.K.AJAY KUMAR
SMT.PRIYA. H.

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
CIRCLE INSPECTOR OF POLICE, ALAPPUZHA,
POLICE STATION, REPRESENTED THROUGH PUBLIC
PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SHRI JAI GEROGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.1099 OF 2007

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DATED THIS THE 26th DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the 2nd accused in Crime No.22/07 of Alappuzha North Police Station for offences punishable under sections 427, 447, 324, 326 and 307 read with section 34 IPC, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. The occurrence took place in the midnight on 14.1.2007 when the petitioner and others armed with deadly weapons like iron rod, etc. are alleged to have criminally trespassed into the house of the de facto complainant and attacked him causing injuries including a fracture.

4. Anticipatory bail cannot be granted in a case of this nature. But, at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer for interrogation and then to have his application for bail ordered by the Magistrate. Accordingly, the petitioner shall surrender before the Investigating Officer on any day between 05.03.2007 and 07.03.2007 for the purpose of interrogation and recovery of incriminating materials, if any. The petitioner shall thereafter be produced on the same day before the Magistrate concerned. The Magistrate shall consider and dispose of the application, if any, filed by the petitioner for regular bail preferably on the same date on which it is filed.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn